

JOSEPH P. RUSSONIELLO (CASBN 44332)
United States Attorney

BRIAN J. STRETCH (CASBN 163973)
Chief, Criminal Division

THOMAS M. O'CONNELL (NYSBN 1801950)
Assistant United States Attorney

150 Almaden Boulevard, Suite 900
San Jose, California 95113
Telephone: (408)-535-5053
Fax: (408)-535-5066
E-Mail: Thomas.M.OConnell@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	No. CR - 07-00504 - JW
)	
Plaintiff,)	GOVERNMENT'S SENTENCING
)	MEMORANDUM
v.)	
)	
ROLANDO BARRIENTOS,)	
)	
Defendant.)	
)	

Defendant Rolando Barrientos comes before the court for sentencing, having pled guilty to count two of the captioned indictment charging distribution of 5 grams or more of pure methamphetamine, in violation of 21 U.S.C. § 841(b)(1)(B)(viii) pursuant to a plea agreement under Rules 11(c)(1)(C) of the Federal Rules of Criminal Procedure.

U.S. Probation has correctly calculated the defendant's U.S.S.G. range to be 92 - 115 months, and is not in agreement with the parties' binding plea. Rather, Probation has recommended a sentence of 92 months imprisonment.

The parties, however, have agreed that a reasonable and appropriate disposition of this

1 case, under the Sentencing Guidelines and 18 U.S.C. § 3553(a), is 60 months imprisonment, to
2 be served consecutively to defendant's current state sentence, and to be followed by four years
3 of
4 supervised release (with conditions to be fixed by the Court), no fine, restitution or forfeiture,
5 and a \$100.00 special assessment at the time of sentencing.

6 This agreement was made based upon numerous considerations, including the fact that
7 the defendant is a sentenced state prisoner with a projected release date of November, 2010, and
8 will be under 4 years of supervision by U.S. Probation upon his release from federal custody.
9 Moreover, the defendant was one of the last remaining subjects charged in a twelve defendant
10 case, and the instant plea results in the conservation of both judicial and prosecutorial
11 resources.

12 Finally, the case agents are in accord with this disposition.

13 The government hereby moves to dismiss the open charges pending against the
14 defendant at the time of sentencing, that is Counts 1 and 3 of the indictment.

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16 JOSEPH P. RUSSONIELLO
17 United States Attorney

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19 Dated: 05/30/08

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21 THOMAS M. O'CONNELL
22 Assistant United States Attorney
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